

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLOS NIN,

Petitioner,

v.

MICHAEL CHERTOFF, et al.,

Respondents.

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C.A. No. 05-11042-NG

**RESPONDENTS' (ASSENTED-TO) MOTION TO EXTEND TIME
IN WHICH TO RESPOND TO PETITION**

Now comes the above-captioned Respondents,¹ and hereby move this Court for an extension of time **up to and including October 3, 2005**, to answer or otherwise respond to Petitioner's Petition. As reasons therefore, the undersigned counsel for Respondents asserts that such an extension will allow the Assistant U.S. Attorney the additional time to obtain relevant facts and background information of this matter from the relevant agency (Department of Homeland Security).

WHEREFORE, Respondents respectfully request that this Court allows its motion for an extension of time **up to and including October 3, 2005**, to answer or otherwise respond to the Petition.

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Respondents are not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Respondents intend to raise those defenses when it answers or otherwise responds to the Petition.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael P. Sady
Michael P. Sady
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: September 15, 2005

CERTIFICATE OF SERVICE

I certify that on September 15, 2005, I caused a copy of the foregoing Motion to be served by first class mail, postage pre-paid to Petitioner's counsel of record Desmond P. Fitzgerald, Fitzgerald & Company, LLC, 18 Tremont Street, Suite 210, Boston, MA 02111.

/s/ Michael P. Sady
Michael P. Sady
Assistant United States Attorney

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1, the undersigned counsel certifies that on September 15, 2005, he contacted Petitioner's counsel and informed him of the relief requested by this motion.

/s/ Michael P. Sady
Michael P. Sady
Assistant U.S. Attorney